

Message Text

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SUBJECT: SENATOR KENNEDY ON AMNESTY INTERNATIONAL REPORT
ON NORTHERN IRELAND

1. FOLLOWING IS TEXT OF STATEMENT ISSUED JUNE 11 BY SENATOR EDWARD M. KENNEDY (D-MASS) REGARDING THE AMNESTY INTERNATIONAL REPORT ON NORTHERN IRELAND.

2. BEGIN TEXT: I AM DEEPLY CONCERNED ABOUT THE ALLEGATIONS OF POLICE BRUTALITY CONTAINED IN THE RECENT REPORT OF AMNESTY INTERNATIONAL WITH RESPECT TO ITS INVESTIGATION INTO THE PRACTICES OF A SECTION OF THE ROYAL ULSTER CONSTABULARY IN NORTHERN IRELAND.

IT IS OF THE GREATEST IMPORTANCE, NOT ONLY TO THE CAUSE OF
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PEACE IN NORTHERN IRELAND BUT ALSO TO THE REPUTATION OF
BRITAIN IN THE WORLD COMMUNITY, THAT THE FACTS ABOUT THESE
ALLEGATIONS BE DETERMINED, AND THAT APPROPRIATE STEPS BE
TAKEN TO DEAL WITH ANY ABUSES THAT MAY BE FOUND. ABOVE ALL,
THE INVESTIGATION INTO THE TRUTH OR FALSITY OF THESE ALLEGATIONS NOT ONLY MUST BE FAIR, BUT MUST BE SEEN TO BE
FAIR, ESPECIALLY BY THE TWO SECTIONS OF THE COMMUNITY OF

NORTHERN IRELAND.

THE ALLEGATIONS INVOLVE BASIC QUESTIONS OF HUMAN RIGHTS THAT TRANSCEND NATIONAL FRONTIERS AND THAT ARE OF DEEP CONCERN TO AMERICANS AND ALL OTHERS WHO CARE ABOUT HUMAN RIGHTS.

THE ALLEGATIONS ARE NOT CONFINED TO ANY SINGLE FACTION IN NORTHERN IRELAND. THE CHARGES OF BRUTALITY RELATE TO BOTH REPUBLICAN AND LOYALIST PRISONERS, AND THEY DEMAND AN EVEN-HANDED AND IMPARTIAL INVESTIGATION THAT IS CAPABLE OF SECURING THE CREDIBILITY OF THE POLICE FORCE.

IT IS OBVIOUS TO ME THAT NEITHER THE US CONGRESS NOR ANY OTHER OUTSIDE TRIBUNAL IS IN A POSITION TO ANSWER THE IMPORTANT QUESTIONS THAT HAVE BEEN RAISED. IT IS THEREFORE ESPECIALLY INCUMBENT UPON THE BRITISH GOVERNMENT TO TAKE ALL APPROPRIATE STEPS TO PUT THESE QUESTIONS TO REST.

THE STATEMENTS I HAVE SEEN INDICATE THAT THE BRITISH GOVERNMENT FULLY INTENDS TO BE FORTHRIGHT AND FORTHCOMING IN DEALING WITH THESE SERIOUS ALLEGATIONS. BUT IN THE LIGHT OF THE OVERRIDING NEED TO SECURE PUBLIC CONFIDENCE IN THE RESULTS OF THE INVESTIGATION TO BE UNDERTAKEN, I BELIEVE THAT THE INQUIRY OUTLINED SO FAR CAN BE IMPROVED IN TWO SIGNIFICANT RESPECTS:
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FIRST, IN DEALING WITH THE SPECIFIC CASES OF ALLEGED ILL-TREATMENT DESCRIBED IN THE AMNESTY INTERNATIONAL REPORT, AND ANY OTHER SIMILAR CASES THAT MAY BE BROUGHT TO LIGHT, A MORE EFFECTIVE APPROACH SHOULD BE ADOPTED THAN SIMPLY UTILIZING THE CURRENT PROCEDURE INVOLVING REFERRAL TO THE POLICE COMPLAINTS BOARD AND THE DIRECTOR OF PUBLIC PROSECUTIONS IN NORTHERN IRELAND. WHEN I MET IN WASHINGTON LAST OCTOBER WITH ROY MASON, BRITAIN'S SECRETARY OF STATE FOR NORTHERN IRELAND, I EMPHASIZED MY CONCERN AT THAT TIME THAT THESE PROCEDURES WERE INADEQUATE TO RESOLVE THE SERIOUS DOUBTS EVEN THEN EXISTING ABOUT THE CASTLEREAGH DETENTION CENTER. IT IS OBVIOUS NOW THAT THIS APPROACH HAS NOT BEEN SUFFICIENT TO DISPEL THE NUMEROUS AND PERSISTENT ALLEGATIONS OF POLICE BRUTALITY INVOLVING A SECTION OF THE RUC.

FACED WITH SUCH A SITUATION IN A DIFFERENT CONTEXT, INVOLVING SERIOUS ALLEGATIONS OF MISCONDUCT WITHIN OUR OWN GOVERNMENT, THE UNITED STATES SUCCESSFULLY RESORTED TO THE USE OF A PRESTIGIOUS INDEPENDENT SPECIAL PROSECUTOR, WITH FULL POWERS OF INVESTIGATION TO FIND AND STATE THE TRUTH.

IN CIRCUMSTANCES OF THIS MAGNITUDE AND SENSITIVITY, THE
BRITISH GOVERNMENT SHOULD NOT BE PLACED IN THE COMPROMISING

POSITION OF INVESTIGATING ITSELF. I WOULD URGE, THEREFORE,
THAT AN INDEPENDENT INVESTIGATIVE ENTITY BE ESTABLISHED TO
DEVELOP THE TRUTH ABOUT THE CURRENT ALLEGATIONS IN NORTHERN
IRELAND.

THE ESTABLISHMENT OF AN INDEPENDENT SPECIAL PROSECUTOR
WOULD FULLY MEET THE NECESSARY REQUIREMENTS FOR PRIVACY IN
LAW ENFORCEMENT INVESTIGATIONS OF THIS TYPE, IN ORDER TO
ENSURE BOTH THAT RIGHTS OF INNOCENT PARTIES ARE PROTECTED
AND THAT THE POTENTIAL PROSECUTIONS OF GUILTY OFFICIALS ARE
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NOT JEOPARDIZED. THE BUSINESS-AS-USUAL APPROACH INVOLVING
THE D.P.P. IS NEITHER THE ONLY, NOR THE BEST, METHOD OF
PURSUING THE NEEDED INVESTIGATION.

SECOND, THE SAME NEED FOR PRIVACY, HOWEVER, IS NOT APPLICA-
BLE TO THE ROLE OF THE INDEPENDENT COMMITTEE OF INQUIRY,
WHICH THE BRITISH GOVERNMENT HAS PROPOSED TO ESTABLISHED
FOR THE PURPOSE OF CARRYING OUT A GENERAL REVIEW OF THE
POLICE PRACTICES AND PROCEDURES IN NORTHERN IRELAND. THAT
COMMITTEE SHOULD SIT NOT JUST IN PRIVATE, AS HAS BEEN PRO-
POSED, BUT IN PUBLIC AS WELL TO THE GREATEST POSSIBLE
DEGREE. BY MAKING THE PROCEDURES OF THE INQUIRY AS OPEN
AS POSSIBLE, THE LIKELIHOOD WILL BE ENHANCED THAT THE
REPORT AND RECOMMENDATIONS OF THE INQUIRY WILL ACHIEVE THE
FULLEST POSSIBLE PUBLIC ACCEPTANCE. IN THE VOLATILE
ATMOSPHERE OF NORTHERN IRELAND, ACTIONS CONFINED TO A PRI-
VATE FORUM CANNOT CLEAR THE AIR AND MARSHAL THE PUBLIC CON-
FIDENCE ESSENTIAL TO ALLAY THE DOUBTS THAT NOW EXIST.

THE MORAL AUTHORITY OF THE POLICE AND THE WILLINGNESS OF
GOVERNMENTS TO ADMIT AND CORRECT ABUSES ARE AMONG THE
GREATEST HALLMARKS THAT DISTINGUISH FREE SOCIETIES FROM
TOTALITARIAN REGIMES. CONSISTENTLY OVER THE PAST EIGHT
YEARS OF VIOLENCE IN NORTHERN IRELAND, I HAVE SPOKEN OUT
AGAINST THE VIOLENCE ON BOTH SIDES OF THIS TRAGIC CONFLICT
AND AGAINST ALL FORMS OF AMERICAN SUPPORT FOR THE VIOLENCE.
I HAVE ALSO SPOKEN OUT REPEATEDLY AGAINST ABUSES OF POWER
BY THE SECURITY FORCES, BOTH BECAUSE OF MY ABHORRENCE OF
SUCH LAW ENFORCEMENT TACTICS IN A DEMOCRATIC SOCIETY AND MY
FIRM BELIEF THAT SUCH TACTICS INEVITABLY PROVE COUNTERPRO-
DUCTIVE.

IN ITS SUBMISSIONS TO THE EUROPEAN COURT OF HUMAN RIGHTS IN
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THE CASE ARISING OUT OF PAST ALLEGATIONS OF THE USE OF
TORTURE BY THE SECURITY FORCES IN NORTHERN IRELAND, THE
BRITISH GOVERNMENT PLEDGED THAT THE CHALLENGED PRACTICES OF
ILL-TREATMENT HAD BEEN DISCONTINUED. IF BRITAIN IS TO MEET
THE LETTER AND SPIRIT OF THAT COMMITMENT, IT MUST DO ALL
WITHIN ITS POWER TO ENSURE THAT THE CURRENT ALLEGATIONS
RECEIVE A FULLY AND FAIR INVESTIGATION. END TEXT.
CHRISTOPHER

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